

# EXHIBIT Q

LAW OFFICES  
**KEKER & VAN NEST**  
LLP

710 SANSOME STREET  
SAN FRANCISCO, CA 94111-1704  
TELEPHONE (415) 391-5400  
FAX (415) 397-7188  
WWW.KVN.COM

CHRISTINE P. SUN  
CPS@KVN.COM

January 23, 2004

**VIA FACSIMILE AND FIRST CLASS MAIL**

Andrew C. Byrnes, Esq.  
Heller Ehrman White & McAuliffe LLP  
275 Middlefield Road  
Menlo Park, CA 94025-1706

Re: *Overture v. Google*

Dear Andrew:

I write in response to your letter dated January 22, 2004.

First, although this should be obvious, for the record, you should not assume that Google's failure to respond to your inquiries after one day, ten days, or any other amount of time for that matter, is an explicit or implicit agreement to your request(s).

Second, Google did not agree to Overture's proposed three-step process as set forth in Charles McMahon's letter dated October 7, 2003. It is my understanding that Google previously relayed its many, substantive concerns about Overture's proposal to Mr. McMahon and that Mr. McMahon has yet to respond to those concerns. Accordingly, Google will not be producing the log files pursuant to Overture's current proposal, but is willing to continue its meet and confer efforts.

Third, Google has not agreed to produce responsive documents related to the AdSense program. As I understand, Google is awaiting further explanation from Overture as to what documents related to AdSense it is seeking and why it is entitled to those documents.

Fourth, it is my understanding that Google has provided Overture with all the documents it has received in response to Google's third party subpoenas. I will confirm this with you, and supplement our production if necessary, in the near future.

Lastly, Google is still considering Overture's proposal regarding damages discovery and its request concerning Google's source code. I anticipate responding to your requests shortly.

Andrew C. Byrnes, Esq.

January 23, 2004

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If you have further questions or concerns, please do not hesitate to contact me at (415) 391-5400.

Very truly yours,

A handwritten signature in black ink, appearing to read 'C. Sun', with a stylized, flowing script.

CHRISTINE P. SUN

CPS/lhl